HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14677 of 2002

Dated 4th July, 2007

Between
Devaram Laxmamma

…Petitioner

and

The Deputy Executive Engineer, Panchayat Raj
Suryapet, Nalgonda District, and, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14677 of 2002

ORDER:

In this Writ Petition the petitioner seeks Writ of Mandamus to declare the action of the respondents in taking steps for formation of road from her patta land in Sy.No. 219 of Tummalapalli village, Mothey Mandal, Nalgonda District without due process of law as illegal and arbitrary.

It is stated in the affidavit filed in support of the Writ Petition that the petitioner is the absolute owner and possessor of the land admeasuring Ac.5.20 guntas covered by Sy.No. 219 of Tummalapalli village. It is further stated that the petitioner had purchased the said land by registered sale deed dated 19-4-1977 from its earlier owner by name Kadam Venkayya of Thummalapally village. It is the grievance of the petitioner that though the said property is her private patta land

as reflected in the revenue records, but however, the respondents are taking steps to lay a road from the said land to connect R & B road leading from Suryapet to Khammam without acquiring the same under the provisions of the Land Acquisition Act 1894.

At the stage of admission, this Court granted interim order on 9-8-2002 directing the respondents not to lay road in the patta land of the petitioner. However, it was made clear that the said order would not preclude the respondents to lay road by acquiring the land in accordance with law.

Though the Writ Petition is of the year 2002, no counter affidavit is filed and the said interim order continued all along.

As much as it is stated that the land in question is the private patta land of the petitioner and the respondents are taking steps to lay road through her land without acquiring the same, I dispose of the Writ Petition directing the respondents not to lay road through the land of the petitioner otherwise than by due process of law. However, it is made clear that this order will not preclude the respondents to obtain consent of the petitioner or notify the land for public purpose by following the provisions of the Land Acquisition Act, 1894.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 04-07-2007.
Msnr.